

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FELIPE FOWLKES,
Plaintiff,

V.

KATHLEEN M. DENNEHY, et al.,
Defendants.

C.A. No. 05-11749-JLT

**DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION TO
ENLARGE NUMBER OF PAGES ON MORE DEFINITE STATEMENTS**

Now come the defendants in the above-referenced matter and oppose plaintiff's Motion to Enlarge Number of Pages on More Definite Statements (document number 77). The grounds for this Opposition are as follows:

1. On June 25, 2007, this Court issued an Order that plaintiff “shall file a brief chart containing the relevant information as previously directed. The document shall not exceed seven (7) pages.” See Court’s Order of June 25, 2007 (document number 72).
2. Plaintiff requests to file a forty-six page document “and/or accept the initial 94 paged definite statement”. See plaintiff’s Motion to Enlarge Number of Pages on More Definite Statements (document number 77).
3. Plaintiff is requesting the Court to accept a document that is over five times as long as the Court has ordered him to provide. Plaintiff has not even attempted to try to comply with this Court’s Order of June 25, 2007 (document number 72).
4. Plaintiff has filed his forty-six page Definite Statement on Each Defendant (document number 78) along with his Motion to Enlarge Number of Pages on

More Definite Statements (document number 77). The Definite Statement on Each Defendant (document number 78) clearly does not comply with this Court's Orders of May 17, 2007 (document number 57) and June 25, 2007 (document number 72).

5. Plaintiff's Definite Statement on Each Defendant (document number 78) is as confusing as his previous pleadings. For example, the date of action he gives for many of the defendants is "from Sept. 17, 2004 to 2006 on to the present date of 2007". See Definite Statement on Each Defendant (document number 78) at pp.1, 3, 5, 7, 10, 12, and 14. Further, plaintiff's claims that the place of action for many of the defendants was "within all Mass. D.O.C. prisons". See Definite Statement on Each Defendant (document number 78) at pp. 1, 3, 5, 7, 10, 12, and 14. Without specific dates and places, the defendants are unable to prepare a proper defense to plaintiff's allegations.
6. Plaintiff appears to make the same allegations against most of the defendants; he fails to differentiate among his claims. He also fails to distinguish among the many defendants which claims are specific to an individual defendant.
7. In his Definite Statement on Each Defendant (document number 78), plaintiff just lists numerous dates under "brief description of events"; he fails to match up the specific date with a specific claim. See Definite Statement on Each Defendant (document number 78) at pp. 1-3. Further, as in Plaintiff's More Definite Statement (document number 68), the Definite Statement on Each Defendant (document number 78) contains paragraphs, which are pages long.

8. The defendants cannot file a meaningful response to the Definite Statement on Each Defendant (document number 78). By plaintiff's failure to comply with this Court's Orders, the defendants are prevented from preparing a proper defense to plaintiff's claims.

WHEREFORE, the defendants respectfully request that this Court deny plaintiff's Motion to Enlarge Number of Pages on More Definite Statements (document number 77) and strike plaintiff's Definite Statement on Each Defendant (document number 78). The defendants further request that this Honorable Court dismiss plaintiff's Complaint for failure to comply with this Court's Orders of May 17, 2007 and June 25, 2007. (document numbers 57 and 72).

Respectfully submitted,

DEFENDANTS,
By their attorney,

NANCY ANKERS WHITE
Special Assistant Attorney General

Date: July 19, 2007

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